IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21949 of 2004

Between:

K.Satyanarayana S/o.Sri Tulasayya
F.P.Shop Dealer Ramakrishnapuram Village Saravkota Mandal, Srikakulam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Palakonda, Srikakulam District.
2 The Joint Collector (FCA) Civil Supplies Srikakulam, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate order or direction more particularly one in the nature of writ of Certiorari call for the records quash the orders in D.Dist. No.972/04 Dt.20.11.2004 in Rc.No.1645/2004 dt.2.11.2004 by the 1st respondent D.District 972/04 dt.2.11.2004 by the IInd respondent is violation of Art.14,21 of the Constitution of India.

Counsel for the Petitioner:MR.K.PURUSHOTHAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is a fair price shop dealer of Ramakrishnapuram village, Saravkota mandal, Srikakulam district. The Revenue Divisional Officer, Palakonda, the first respondent, suspended the authorisation of the petitioner, through proceedings dated 02.11.2004. Aggrieved thereby, the petitioner preferred an appeal before the second respondent. The appeal was rejected on 20.11.2004. The same is challenged in this writ petition.

Learned counsel for the petitioner submits that the allegations against the petitioner were baseless and were made in the name of dead persons or those living at different places. He submits that the main allegation that appears to have weighed against the petitioner is as to the discrepancy of distribution of rice meant for 'food for work' programme, which is no part of the duty of the petitioner. It is also his case that the authorities concerned, who were entrusted with the issuance of coupons, are satisfied about it and no one had complained about any lapses in relation to the same. He further contends that the second respondent did not take the various contentions contained in the grounds of appeal or oral submissions, which are extracted in as many as three pages, and has simply rejected the appeal by making a reference to the quantity of rice.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the allegations against the petitioner are grave in nature and no exception can be taken to the impugned order.

On receiving an order of suspension of dealership, the petitioner availed the remedy of appeal. It is true that the appellate authority extracted the entire grounds and submissions made by the petitioner in his appeal. However, he did not refer to any of the grounds in the discussion and rejected the appeal by making a reference to the allegations that are contained in the order of suspension.

The allegations against the petitioners are of two kinds; the one relating to the distribution of essential commodities and the other as regards the distribution of

rice meant for ‘food for work’ programme. Regarding the distribution of essential commodities through the fair price shop, the allegations against the petitioner are general, vague and non-serious. They are to the effect that he is not distributing the essential commodities under proper weighment and that he is distributing the stocks only for three days in a month. No specific instances either of non-distribution of commodities to any individual cardholder or diversion of stocks were pointed out.

So far as the distribution of rice meant for ‘food for work’ programme is concerned, basically it needs to be observed that it is not at all the duty of a fair price shop dealer. The rice of different quantities is sanctioned by the competent authority for specific works and the obligation to ensure proper distribution of the same is with the concerned engineering staff. There is no complaint from any authority entrusted with the distribution of rice meant for ‘food for work’ programme. Further, distribution of rice of that category was concluded several months back, if not years. Taking up the issue at this stage, when examined from the context of granting stay, cannot be said to be so serious.

Hence, the writ petition is disposed of directing that the petitioner shall be entitled to continue as a fair price shop dealer till the first respondent passes final orders in the proceedings initiated against him. The first respondent shall expedite the same and pass appropriate orders within two months from the date of receipt of a copy of this order. No order as to costs.

03.12.2004

Note:

Issue CC by 06.12.2004.

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To

1 The Revenue Divisional Officer Palakonda, Srikakulam District.
2 The Joint Collector (FCA) Civil Supplies Srikakulam, Srikakulam District.

3 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies.